

EXHIBIT HH

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

HACHETTE BOOK GROUP, INC.,
HARPERCOLLINS PUBLISHERS LLC,
JOHN WILEY & SONS, INC., and
PENGUIN RANDOM HOUSE LLC,

Plaintiffs,

vs.

No. 1:20-cv-04160-JGK

INTERNET ARCHIVE and DOES 1
through 5, inclusive,
Defendants.

_____ /

-- ATTORNEYS' EYES ONLY --

VIDEOTAPED RULE 30(B)(1) AND 30(B)(6) DEPOSITIONS OF
JOHN WILEY & SONS, INC., BY ALAN PAVESE
Remote Zoom Proceedings
East Durham, New York
Friday, December 10, 2021

REPORTED BY:

LESLIE ROCKWOOD ROSAS, RPR, CSR 3462

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Job No. 4867787

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Videotaped Rule 30(b)(1) and 30(b)(6) depositions of
JOHN WILEY & SONS, INC., by ALAN PAVESE, taken on behalf
of Defendants, Remote Zoom Proceedings from East Durham,
New York, beginning at 10:41 a.m. Eastern Standard Time
and ending at 7:14 p.m. Eastern Standard Time, on Friday,
December 10, 2021, before Leslie Rockwood Rosas, RPR,
Certified Shorthand Reporter No. 3462.

1 APPEARANCES:

2
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20
21 Also Present:

22 Kevin Kim, Esq. (Wiley Inhouse Counsel)

23 John Macdonell, Videographer

24 Chelsea Gilchrist, Concierge

25 09:33:03

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1 that it was difficult to -- given the complexities of the
2 market, to pinpoint the cause of unexpected revenue,
3 either higher or lower. Has Wiley been able to pinpoint
4 any fluctuations in revenue to the Internet Archive?

5 MS. STEINMAN: Objection. 12:13:17

6 Go ahead, Alan.

7 THE WITNESS: So pinpoint -- the data is not
8 there. We do know it's happening, but to precisely
9 measure it is very complex, so we are estimating, and,
10 you know, we do know that piracy and stealing does hurt 12:13:35
11 the commercial market, so we do know that it's happening,
12 and we do rely on those general estimates of industry
13 impact, you know, when we're trying to quantify things,
14 because, again, you know, people performing illicit
15 activity and unauthorized activity don't report it. It 12:13:58
16 doesn't lend itself to precision.

17 Q. BY MS. LANIER: Have you heard the Internet
18 Archive referred to as a library?

19 A. I have heard that, yes. I don't agree with it,
20 but I have heard it. 12:14:25

21 Q. Okay. Why don't you agree with it?

22 A. Because it doesn't function the way a library
23 functions in almost any way. I mean, it functions much
24 more closely to a pirate site.

25 Q. Okay. In what way does the Internet Archive 12:14:37

1 STATE OF CALIFORNIA) ss:

2 COUNTY OF MARIN)

3
4 I, LESLIE ROCKWOOD ROSAS, RPR, CSR NO. 3462, do
5 hereby certify:

6 That the foregoing deposition testimony was
7 taken before me at the time and place therein set forth
8 and at which time the witness was administered the oath;

9 That testimony of the witness and all objections
10 made by counsel at the time of the examination were
11 recorded stenographically by me, and were thereafter
12 transcribed under my direction and supervision, and that
13 the foregoing pages contain a full, true and accurate
14 record of all proceedings and testimony to the best of my
15 skill and ability.

16 I further certify that I am neither counsel for
17 any party to said action, nor am I related to any party
18 to said action, nor am I in any way interested in the
19 outcome thereof.

20 IN WITNESS WHEREOF, I have subscribed my name
21 this 13th day of December, 2021.

22
23
24 

25 LESLIE ROCKWOOD ROSAS, RPR, CSR NO. 3462